

Remarks

This is in response to the Office Action dated July 30, 2004.

Claims 1 and 19 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, and under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is believed to have been amended to overcome these rejections.

To address the 35 U.S.C. 112, 1st paragraph rejection, it should be noted that the "first means" of amended claim 1 denotes a unit interval selling memory 4 in the instant specification, and the "display control means" of the amended claim 1 denotes a combination of CPU 1 and display control circuit 9. The first means is disclosed in the instant specification (particularly at lines 12-13 of page 13), and the display control means is disclosed particularly at lines 23-24 of page 17 of the instant specification.

The phrase "a 4" is corrected to "a unit interval selling memory 4". Support for this correction is found in the instant specification (e.g. at line 12 of page 13).

In response to the 35 U.S.C. 112, 2nd paragraph rejection, with amended claim 1, all indefiniteness problems are believed to have been eliminated.

In light of the above, it is respectfully submitted that the rejections of claims 1 and 19 under 35 U.S.C. 112, 1st and 2nd paragraphs have been overcome.

Claims 1 and 19 were rejected under 35 U.S.C. 102(b), as being anticipated by Savage U.S. Patent 6,026,372.¹

Savage teaches a computer system for maintaining current and predicting future food needs. This system instructs a cook to initiate a cooking process in response to the number of items in hand and currently being cooked in view of the number of items typically desired to have in hand at a particular time of the day. As such, the system of Savage predicts future needs rather than statically waiting to instruct a cooking operation upon the receipt of an actual order (see ABSTRACT and lines 3-12 of column 5). However, Savage does not teach or even suggest the prediction of the number of articles in accordance with the number of sold articles for a preceding unit interval, the number of stocked articles for the preceding unit interval, the number of pending articles to be prepared for the preceding unit interval and the average number of articles sold for a prior interval including consecutive preceding unit intervals.

In view of the above, it is respectfully submitted that claims 1 and 19 are now clearly distinguishable from the technical features of Savage, and thus, the rejection under 35 U.S.C. 102(b) should now be withdrawn.

¹ In the Office Action, the examiner cited Savage USP 6,026,376. In the Notice of References Cited, the examiner listed the '376 patent as issued to inventor Kenney. In a telephone conversation the undersigned had with the examiner on or about August 3, 2004, the examiner confirmed that indeed Kenny USP 6,026,376 was the reference relied upon in the Office Action.

However, during the review of the '376 reference, it was found that that reference has no bearing on this invention. A search revealed that it was Savage USP 6,026,372 that was applied by the examiner and which should have been listed on the Notice of References Cited. Accordingly, the examiner is respectfully requested to list Savage USP 6,026,372 on a supplemental Notice of References Cited so that it will appear on the face of the patent to issue from this application.

Moreover, inasmuch as claim 1 is believed to be allowable over the prior art and the previously withdrawn claims all depend, either directly or indirectly, from claim 1, it is respectfully requested that claims 2-18 be rejoined to and allowed with this application.

Respectfully submitted,



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